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Attorneys for Defendant

**YANKA INDUSTRIES, INC. d/b/a  
MASTERCLASS**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ALAN SILVA and ELIZABETH  
MALATY-UHR, individually and on behalf  
of all others similarly situated,

*Plaintiffs,*

v.

YANKA INDUSTRIES, INC. d/b/a  
MASTERCLASS

*Defendant.*

Case No. 3:24-cv-05264-JD

Judge: Hon. James Donato

**JOINT STIPULATION REGARDING  
DEFENDANT'S TIME TO RESPOND  
TO THIRD AMENDED COMPLAINT**

Pursuant to Local Rule 6-1(a), Plaintiffs Alan Silva and Elizabeth Malaty-Uhr (“Plaintiffs”) and Defendant Yanka Industries, Inc. d/b/a MasterClass (“Defendant” and, jointly with Plaintiffs, “Parties”) hereby stipulate and request that Defendant’s time to answer or respond to Plaintiffs’ Third Amended Complaint be enlarged to and including January 10, 2025 to permit the parties time to finalize an out of court resolution. Specifically:

**WHEREAS**, this case was filed on August 16, 2024 (ECF 1);

**WHEREAS**, Defendant was served on August 19, 2024 (*see* ECF 13);

**WHEREAS**, on September 27, 2024, with Defendant’s consent, Plaintiff Silva filed a First Amended Complaint (“FAC”) (ECF 15);

**WHEREAS**, Plaintiff Silva on October 21, 2024, thereafter sought Defendant’s consent pursuant to Fed. R. Civ. P. 15(a)(2) to amend the complaint a second time, which Defendant granted and, on October 24, 2024, Plaintiff Silva filed a Second Amended Complaint (“2d Am. Compl.”) that added a new Plaintiff (ECF 17);

**WHEREAS**, the Parties stipulated that Defendant’s time to answer, move, or otherwise respond to the 2d Am. Compl. would be enlarged to November 14, 2024 (ECF 18);

**WHEREAS**, on November 14, 2024, Defendant filed a Motion to Dismiss the 2d Am. Complaint (ECF 24), and a Motion to Compel Arbitration as to Plaintiff Malaty-Uhr (ECF 25);

**WHEREAS**, on November 29, 2024, Plaintiffs filed a Third Amended Complaint (“3d Am. Compl.”) (ECF 28);

**WHEREAS**, under Fed. R. Civ. P. 15(a)(3), absent this Joint Stipulation Defendant’s time to respond to or answer Plaintiffs’ 3d Am. Compl. would be due on December 13, 2024;

**WHEREAS**, the Parties have engaged in discussions to resolve the claims asserted in this matter and have reached a settlement in principle.

**WHEREAS**, the parties have conferred and stipulate that Defendant’s time to answer, move or otherwise respond to the 3d Am. Compl. be enlarged by 42 days, to and including January 10, 2025, so that the Parties can continue pursuing an out of court resolution;

**WHEREAS**, the Parties do not seek the requested extension for purpose of delay or harassment;

1           **WHEREAS**, this Stipulation will not alter the date of any event or any deadline already  
2 fixed by Court order.<sup>1</sup>

3           **NOW, THEREFORE, THE PARTIES STIPULATE** that, pursuant to Civil Local  
4 Rule 6-1(a), Defendant Yanka Industries, Inc. d/b/a MasterClass shall answer, move, or  
5 otherwise respond to the 3d Am. Compl. by January 10, 2025.

6  
7 **IT IS SO STIPULATED.**

8  
9 DATED: December 6, 2024

**ZWILLGEN PLLC**

10 By: /s/ Dana Brusca  
11 Dana Brusca  
[dana@zwillgen.com](mailto:dana@zwillgen.com)

12 **Attorney for Defendant**  
13 Yanka Industries, Inc. d/b/a MasterClass

14 DATED: December 6, 2024

**HEDIN LLP**

15 By: /s/ Frank Hedin  
16 Frank Hedin  
[fhedin@hedinllp.com](mailto:fhedin@hedinllp.com)

17 **Attorney for Plaintiffs**  
18 Alan Silva & Elizabeth Malaty-Uhr  
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25 <sup>1</sup> The parties note for completeness that Defendant requested, and the Court subsequently set, a  
26 hearing date of January 23, 2025 on Defendant's motions to dismiss the 2d Am. Compl. and to  
27 compel Plaintiff Malaty-Uhr to arbitrate her claims. The parties respectfully request the  
28 adjournment of that hearing pending Defendant's filing or renewal of its pending motions in  
response to the newly filed 3d Am. Compl. Because this date was selected by Defendant, the  
parties understand that Court approval of this stipulation need not be obtained. If, however, that  
understanding is incorrect, the parties respectfully request Court approval of this stipulation.

**ATTESTATION**

I, Dana Brusca, am the ECF User whose ID and password are being used to file this document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that all counsel have concurred in this filing.

By: /s/ Dana Brusca  
Dana Brusca